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Letter dated 1 May 2015 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

I have the honour to forward to you the concept paper for the Security Council open debate on small arms entitled "The human cost of the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons", which will be held on Wednesday, 13 May 2015 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Raimonda **Murmokaitė**
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Annex to the letter dated 1 May 2015 from the Permanent Representative of Lithuania to the United Nations addressed to the Security Council

Concept note for the Security Council open debate on small arms: the human cost of the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons

13 May 2015

On 13 May 2015, Lithuania will convene an open debate of the Security Council dedicated to the human cost of the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons.

The meeting will also provide an opportunity to discuss the biennial report of the Secretary-General on small arms and light weapons (S/2015/289), submitted pursuant to Security Council presidential statement S/PRST/2007/24 and resolution 2117 (2013), as well as its recommendations.

The Secretary-General, the United Nations High Commissioner for Human Rights and a speaker directly affected by the misuse of small arms and light weapons are expected to brief the Council. As an outcome, Lithuania proposes the adoption of a resolution.

Background

The illicit transfer, destabilizing accumulation and misuse of small arms and light weapons continue to undermine international peace and security and to have devastating human impacts in conflict and post-conflict situations, with civilians and, in particular, women and children bearing the brunt of those impacts.

The international community is in agreement that the illicit trade in small arms and light weapons in all its aspects continues to sustain conflicts, exacerbate armed violence, undermine respect for international humanitarian law and international human rights law, fuel terrorism, aid illegal armed groups and facilitate increasing levels of transnational organized crime, as well as trafficking in humans, drugs and certain natural resources.[1]

While the adverse consequences of illicit transfers of small arms and light weapons are present across the world, they are particularly acute in Africa. Whether recycled from previous conflicts, looted from poorly guarded arsenals or made available by unscrupulous suppliers, weapons and the constant flow of ammunition fuel conflicts, undermine recovery and escalate tensions.

There are approximately 900 million small arms in circulation worldwide, with total authorized international transfers of small arms and light weapons amounting to at least $8.5 billion annually.[2] The World Bank estimates that illicit transactions could add another 10-20 per cent.[3]

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[1] A/CONF.192/2012/RC/4, annex I, para. 4.

[2] Small Arms Survey, *Small Arms Survey 2012: Moving Targets* (Cambridge, Cambridge University Press, 2012), chap. 8.

[3] World Bank, *World Development Report 2011: Conflict, Security and Development* (Washington, D.C., 2011).

At least 508,000 persons, including approximately 60,000 women and girls, die violently every year.[4] One tenth of all reported violent deaths occur in conflict settings or during terrorist activities.[5] The vast majority of direct conflict deaths are attributable to the use of small arms.[6]

The effects of armed violence in conflicts are multifaceted and reach far beyond the violent deaths of combatants in the battlefield and civilians trapped in conflict zones or victimized by States and armed groups. The 2008 *Global Burden of Armed Violence* report estimates a 4-to-1 ratio of indirect to direct conflict deaths, since armed violence is a source of fear and insecurity, tearing the social fabric of communities, creating flows of refugees and internally displaced persons, pushing families into poverty and increasing the risks of disease and food insecurity. The wide availability of illicit small arms and light weapons creates a security environment that is not conducive to humanitarian access and endangers humanitarian personnel.

Women suffer disproportionately from the effects of armed violence in conflicts, being murdered, raped, robbed, trafficked and forced into marriage or prostitution at gunpoint. Attitudes that condone such violence often predate the armed conflicts, yet are reinforced during the conflicts and often persist long after the cessation of hostilities.[7] In addition, women bear indirect consequences of armed violence as single heads of households or as caregivers of injured family members. On the other hand, armed conflict can also drive women to take on new roles either as combatants or as advocates of the prevention of armed violence.

Armed conflicts also continue to have a heavy impact on children, and the easy availability of small arms and light weapons facilitates the use of children as combatants and results in the deaths and injury of both girls and boys.

In post-conflict environments, it is not uncommon for violence to result in mortality rates as high or even higher than those reached during the preceding armed conflict.[4] The continued easy accessibility of illicit weapons to armed groups and civilians and insufficient controls over such weapons increase the risk of relapse into armed conflict, hamper development efforts, cause economic stagnation, cripple health-care systems and undermine prospects for sustainable peace. The demand for arms is further exacerbated by social, economic and political insecurity, the breakdown of the rule of law, inadequate opportunities for education and development, disputes over natural resources and failure by the State to protect the vulnerable. Small arms and light weapons are therefore both a driver and a symptom of insecurity, and efforts aimed at disarming former combatants can be successful only if they give them a viable stake in society, in addition to limiting the availability of new weapons.

While the estimates of the quantities of weapons amassed by terrorist groups are nearly impossible to verify, it is undisputed that groups such as Al-Qaida, the Islamic State in Iraq and the Levant (ISIL), the Al-Nusra Front and others have

[4] Small Arms Survey, "Every body counts: measuring violent deaths", *Research Notes*, No. 49, March 2015.

[5] Secretariat of the Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence 2011: Lethal Encounters* (Cambridge, Cambridge University Press, 2011).

[6] See S/2013/503.

[7] Small Arms Survey, *Small Arms Survey 2014: Women and Guns* (Cambridge, Cambridge University Press, 2014), chap. 1.

accumulated vast arsenals of both small arms and light weapons and heavy weapons by seizing them from government forces, diversion from legal trade, smuggling or tapping into civilian-owned stocks. As the lines between contemporary armed conflict, terrorist activities and transnational organized crime become increasingly blurred, the proceeds of trafficking in arms are used to finance armed conflicts.

While arms embargoes, which in most cases include small arms and light weapons, are the most frequently applied United Nations sanctions measure, their successful implementation remains a challenge. Cooperation and information-sharing among relevant United Nations entities on specific arms embargoes can be further improved. Tailored assistance is needed to increase the capacities of the countries under United Nations arms embargoes to implement and enforce them, as well as to prepare for the lifting of an embargo.

The entry into force in December 2014 of the Arms Trade Treaty, which includes small arms and light weapons in its scope and contains provisions on ammunition, further raised the level of attention and scrutiny given to controls over small arms and light weapons. Now signed by 130 Member States and ratified by 64, the Treaty will become an important tool for increasing the transparency of transfers of small arms and light weapons, and the international community, including the Council, should contribute to its effective implementation.

Role of the Security Council

Small arms have been on the Council's agenda since 1999. The Council has adopted six presidential statements on this issue.[8] In 2003, under the presidency of Guinea, the Council held a workshop entitled "Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa" and adopted resolution 1467 (2003).

In 2013, the Australian presidency of the Council convened a high-level meeting on small arms, focusing on the impact of the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons on international peace and security. The landmark resolution 2117 (2013), adopted during the meeting, reinforced the Council's efforts to address the threat posed by the illicit transfer, accumulation and misuse of small arms and light weapons. It reminded Member States of their obligation to fully and effectively comply with Council-mandated arms embargoes, and supported the work of peacekeeping and political missions to limit the impact of these weapons on societies. The Council also called upon parties to conflict to ensure the protection of civilians from these weapons.

In addition, the Council repeatedly expressed its concern over the threat to peace and security arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, most recently in relation to Yemen (resolutions 2140 (2014), 2204 (2015) and 2216 (2015)), Libya (resolutions 2144 (2014) and 2213 (2015)), the Central African Republic (resolution 2149 (2014)), Côte d'Ivoire (resolutions 2153 (2014) and 2162 (2014)), Mali (resolution 2164 (2014)), Haiti (resolution 2180 (2014)), Somalia (resolution 2182 (2014)), Liberia (resolution 2188 (2014)), the Democratic Republic of the Congo (resolution 2198 (2015)), Abyei (resolution 2205 (2015)), South Sudan (resolution 2206 (2015)) and

[8] S/PRST/1999/28, S/PRST/2001/21, S/PRST/2002/30, S/PRST/2004/1, S/PRST/2005/7 and S/PRST/2007/24.

the Sudan (resolution 2200 (2015)), with the latter emphasizing the Council's concern over their use against civilians affected by armed conflict. Issues related to small arms and light weapons were also addressed in a number of thematic outcomes, including on the protection of civilians (resolutions 1674 (2006) and 1894 (2009)), women and peace and security (resolutions 2106 (2013) and 2122 (2013) and presidential statement S/PRST/2014/21), children in armed conflict (resolution 2143 (2014)), security sector reform (resolution 2151 (2014)), counter-terrorism (resolutions 2161 (2014), 2170 (2014) and 2195 (2014) and presidential statement S/PRST/2014/23), conflict prevention (resolution 2171 (2014)) and peacekeeping (resolution 2185 (2014)).

Key objectives of the open debate

- **Highlighting the human cost of illicit small arms and light weapons in armed conflicts and post-conflict situations**: means by which the Council could more systematically take into account threats related to small arms and light weapons in the context of the protection of civilians; the negative impacts of small arms on respect for fundamental human rights in both conflict and post-conflict environments; the importance of strict observance of international humanitarian law limiting the means and methods of warfare; the significance of building strong rule of law institutions and a strong security sector to counter the negative impact of illicit small arms and light weapons on civilians and to ensure accountability for their misuse

- **Enhanced identification of challenges related to small arms and light weapons in the mandates of United Nations peace operations**: integrating issues related to small arms and light weapons into initial consultations and technical assessment with respect to forming a new operation, updating the mandate or implementing the transition; calling on the Secretariat to identify needs and available capacities related to small arms and light weapons, such as providing stockpile security infrastructure, providing assistance in border management, drafting legislation, marking, tracing and surplus disposal, at the earliest possible stage; providing the opportunity and the framework for the Council to take an informed decision when drafting or updating mandates of United Nations operations

- **Making the implementation of arms embargoes more effective**: taking concrete steps in further improving cooperation and information-sharing among relevant United Nations operations, sanctions panels and other entities; providing tailored assistance to increase the capacities of the countries subject to United Nations arms embargoes to implement them, as well as to prepare countries for the lifting of an embargo; ensuring that arms embargoes are timely, yet also specific, flexible and closely aligned with the overall objective of the United Nations engagement in the country or region.

Participants in the open debate might also be willing to consider the following issues:

- The negative impact of insecurity from the illicit transfer and misuse of small arms and light weapons on development, including education, health and economic opportunity, and on the most vulnerable groups, including refugees and internally displaced persons

- The role of disarmament, demobilization and reintegration programmes and prerequisites for their success; the ways in which the disarmament, demobilization and reintegration process is best integrated into other peacebuilding processes, such as programmes that prevent further inflows of illicit arms, assisting the host State in implementing commitments under existing conventional small arms and light weapons control instruments or supporting the development of frameworks for legal arms ownership; the need for the United Nations to develop standards, in particular in relation to the destruction of collected weapons or their safe storage and marking, that must be met before the weapons collected as part of disarmament, demobilization and reintegration are handed over to host Governments

- Security sector reform programmes and their role in changing the mindset of security personnel and developing a culture of the secure management and establishment of marking, record-keeping and tracing capacities; the need to better link security sector reform programmes with violence reduction or small arms and light weapons control measures

- Stockpile management in conflict and post-conflict situations, including through disarmament, demobilization and reintegration programmes or United Nations peacekeeping involvement; avoiding leaks from stockpiles of United Nations peacekeepers to unauthorized users

- The tracing of weapons to detect violations of arms embargoes and expose weaknesses in stockpile management; the need to improve the exchange of information between sanctions panels and other United Nations entities

- The necessity of combining traditional weapons-control measures, such as disarmament, demobilization and reintegration and security sector reform, into integrated strategies encompassing interventions aimed at strengthening community security, managing conflict and mitigating armed violence; the need to adjust such strategies over time following the establishment of benchmarks and the measurement of change in the security situation

- The Council's contribution to effective implementation of the Arms Trade Treaty, in particular by improving the implementation of arms embargoes and mandating United Nations operations to build national and regional capacities in implementing obligations under the Treaty, in particular those related to transfer control systems, record-keeping and preventing diversion; opportunities to increase the transparency of transfers of small arms and light weapons, including through the implementation of Treaty provisions on reporting

- Recognition of the disproportionate effects of the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons on women and girls, including the exacerbation of sexual and gender-based violence; ensuring women's full and meaningful participation in efforts to combat and eradicate the illicit transfer and misuse of small arms and light weapons

- Ensuring that all efforts aimed at countering child recruitment are undertaken in conjunction with initiatives to counter the illicit transfer and misuse of small arms and light weapons

- Synergies between the work of the Council on small arms and light weapons and the process carried out in the framework of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

- The importance of regional and subregional efforts in countering illicit flows of small arms and light weapons, in the implementation of arms embargoes and regional small arms and light weapons control instruments, and in the sharing of experience in addressing other challenges related to small arms and light weapons.